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MISCELLANY.

"Camouflaging" County Warrants.—In *Lasater v. Lopez* (Tex. Civ. App.), 202 S. W. 1039, 1045, the court, in passing on the question whether the instrument in suit was a county warrant or bond, said: "There is no doubt that it was sought to make the instrument appear attractive to buyers of securities, by giving it an imposing appearance, and inserting numerous provisions for the benefit of the holder, as well as representations that the labor had been performed and material furnished for which the instrument had been issued. However, it is after all only a warrant, and no amount of camouflaging can make it anything else."

Legislative Intent Elusive as Wandering Jew.—"While that elusive something termed 'the legislative intent' may be somewhat like Eugene Sue's Wandering Jew, whose vanishing coattails are often seen turning corners just ahead, but whom you never meet face to face, still we are unwilling to wholly abandon the effort to attain it * * *." Graves, J., in *Southwestern Surety Ins. Co. v. Vickstrom* (Civ. App.), 203 S. W. 389, 391.

The First Will.—"Four eastern slaves and the right to dwell in the house, without allowing her to be put forth on the ground by any person" was the legacy of Utah the Egyptian, to his wife, Sheftu, the woman of Gesab, who is called Teta, the daughter of Sat Sepdu. It was drawn 1,500 years ago, and is regarded by authorities as the first will ever made.—Ex.

Stare Decisis.—The following extract from the dissenting opinion by Judge Jeremiah S. Black, formerly one of the judges of the Supreme Court of Pennsylvania, may prove of interest to those members of the profession who worship at the shrine of *Stare Decisis*. The case is officially reported in 25 Pa. St. 491 (1 Casey, 4491); but the official report does not contain the dissenting opinion, which is reported in 1 *Pittsburg Reports*, p. 284, and also in 2 *Philadelphia Reports*, p. 411.

"When a principle of law is established by a long series of decisions without a single case on the other side to carry it out in plain good faith is as sacred a duty as any judge has to perform. His own notion that it ought to be otherwise is not entitled to a moment's consideration. It is no part of our office to tinker at the law, and patch it up with new materials of our own making. Suitors are entitled to it just as it is. Bad laws can be borne, but the *jus vagum aut incertum*—the law that shifts and changes every time it passes

through the courts, is as sore an evil and as heavy a curse as any people can suffer; and no people who are fitted for self-government will suffer it long. Even a legislator, if he is wise and thoughtful, will make no change which is not absolutely necessary. Legislative changes are retrospective and disturb nothing that is past. But judge-made laws sweep away all the rights which have been acquired on the faith of previous rules. For such wrongs even the legislature can furnish no redress. When the scales of justice are shaken by the hands that hold them here, there is no power elsewhere to adjust them. A simple man, who has invested his money in the purchase of a title solemnly pronounced indefeasible in half a dozen cases decided by the highest tribunal of the state, may wake up from his dream of security to find himself ruined by a contrary ruling of the very same question.

"The judgment now about to be given is one of 'death's doings.' No one can doubt that if Judge Gibson and Judge Coulter had lived, the plaintiff could not have been thus deprived of his property; and thousands of other men would have been saved from the eminent danger to which they are now exposed of losing the home they have labored and paid for. But they are dead, and the law which should have protected those sacred rights has died with them. It is a melancholy reflection that the property of a citizen should be held by a tenure so frail. But 'new lords, new laws,' is the order of the day. Hereafter if any man be offered a title which a Supreme Court has decided to be good, let him not buy if the judges who made the decision are dead; if they are living let him get an insurance on their lives, for ye know not what a day or an hour may bring forth.

"The majority of this Court changes on the average once every nine years, without counting the chances of death and resignation. If each new set of judges shall consider themselves at liberty to overthrow the doctrines of their predecessors, our system of jurisprudence (if system it may be called) would be the most fickle, uncertain and vicious that the civilized world ever saw. A French constitution, or a South American republic, or a Mexican administration would be an immortal thing in comparison to the short lived principles of Pennsylvania law. The rules of property which ought to be at steadfast as the hills, will become as unstable as the waves. To avoid this great calamity I know of no recourse but that of *stare decisis*. I claim nothing for the great men who have gone before us on the score of their marked and manifest superiority. But I would stand by their decisions, because they have passed into the law and become a part of it—have been relied and acted on—and rights have grown up under them which it is unjust and cruel to take."